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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------------|
| 10/729,736 | 12/05/2003 | Vittorio Castelli | YOR920030355US1 (8728-642) | 1339 |
| 46069 7590 01/23/2008 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797 | | | EXAMINER DAO, THUY CHAN | |
| | | | ART UNIT 2192 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/729,736

Applicant(s)

CASTELLI ET AL.

Examiner

Thuy Dao

Art Unit

2192

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-18 and 20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

1) Claims 1-12, 15-18, and 20 rejected under 102(b) as being anticipated by Bala (Remarks, pp. 8-10):

As an initial matter, the examiner notes that wherein the ground of rejection has been addressed in details and mapped to appropriate paragraphs in the reference Bala, Applicants' arguments direct to other paragraphs, which do not relate and response to any ground of rejection, nor point out the supposed errors in said applied figures/paragraphs - see 37 CFR 1.111(b).

In light of Applicants' disclosure (specification, pp. 10-11), Bala explicitly teaches:

"the at least one trace comprises a plurality of steps" (e.g., FIG. 4, [0056-0058],

block 410 "User selects task";

block 458 "Are there additional steps to execute?", steps within the selected task have been aligned automatically;

block 464 "Is the system in step by step mode?", steps within the selected task have been aligned automatically);

"simultaneously performing an alignment and generalization of the plurality of steps" (e.g.,

FIG. 5E-5F, [0067-0069], each user from a group of users would generally type his or her desired path in a "path variable" field in

"My Computer\Control Panel\System" windows/dialogs;

generalizing, however, infers that the desired path typed in the "path variable" field, although different, actually refer to a generic set of steps for typing in a desired path, i.e., Bala explicitly teaches said steps have been simultaneously aligned and generalized),

"wherein the alignment identifies and aligns steps that are equivalent once generalized" (e.g.,

FIG. 5A-5J, [0059-0073], every step of advancing a window/dialog in the task "Edit the path variable" has the steps of inputting parameters and clicking "Back", "Next", or "OK";

the steps of inputting parameters and clicking "Back", "Next", or "OK" have been aligned, i.e., identifying sets of steps that are equivalent once generalized;

however, the combined steps of inputting parameters and clicking "Back", "Next", or "OK" may not be aligned because they are not equivalent).

As clearly set forth above, buttons "Back", "Next", and "OK" have been applied for the limitations "wherein the alignment identifies and aligns steps that are equivalent once generalized".

However, Applicants switched the limitation/rejection mappings and stated, "... the rejection relies on the incorporation of 'Back', 'Next' and 'OK' buttons in a plurality of steps to support the anticipation of 'simultaneously performing an alignment and generalization of the plurality of steps'. Applicants respectfully disagree; it cannot automatically be ..." ("Remarks, page 9, first paragraph) and argued based on said statements.

Accordingly, Applicants' arguments are not persuasive and do not comply with the requirements of 37 CFR 1.111(b).

2) Claims 13 and 14 rejected under 103(a) as being unpatentable by Bala in view of Horvitz (Remarks, page 10):

Claims 13 and 14 are rejected by virtue of their dependency on rejected claim 1.

3) Claims 1, 18, and 20 rejected under 103(a) as being unpatentable over Horvitz in view of APA (Remarks, pp. 10-11):

The examiner respectfully disagrees with Applicants' assertions.

In the originally filed disclosure, the Applicants clearly set forth:


simultaneous alignment and generalization are prior art (page 12, lines 6-10, "Known methods for simultaneous alignment and generalization are performed by considering all possible alignments and selecting the alignment where generalization provides the most predictive executable procedure model, as determined, for example, with any of a variety of well-known methods for evaluating the predictive capabilities of a procedure model);

the Applicants considered the prior art has disadvantages (page 12, lines 10-14, "This embodiment, however, works in practice for only very simple problems. Consider a simple example with two traces. One trace contains two steps and another trace contains three steps. Even in such a simple example, there are already at least 48 distinct possible alignments of the two traces. This number can grow extremely fast"); and

to overcome the disadvantages of the prior art, "The present invention performs simultaneous alignment and generalization by defining a functional that computes a goodness of a given alignment and generalization of a set of traces, and using optimization methods for finding an alignment that optimizes the functional" (page 12, lines 15-18).

As clearly set forth by the Applicants above, the specific features of the invention is described in page 12, lines 15-18 and the prior art is described in page 12, lines 6-10.

Accordingly, Applicants are not persuasive. The examiner respectfully maintains ground of rejection over claims 1, 18, and 20.


ERIC B. KISS
PRIMARY EXAMINER